



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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MEMORANDUM

SUBJECT: ATSDR/ EPA Agreement on Confidentiality of VB/I70 Data

FROM: Bonnie Lavelle
Remedial Project Manager

TO: Nancy Mangone
Site Attorney

As you requested, this memorandum summarizes the conditions under which EPA transferred confidential information specific to the VB/I70 Site to ATSDR and my understanding of how the information was to have been handled by ATSDR.

In April, 1999, EPA published the draft report "Residential Risk Based Sampling" which included summary statistics of biomonitoring (blood lead and urinary arsenic levels). No identifying information was published in the report. In May, 1999, ATSDR requested specific identifying information for those individuals who participated in EPA's biomonitoring program. The requested information included addresses and ages of participants. EPA requested that ATSDR provide assurances that they would keep this information confidential.

The enclosed letter (enclosure 1) dated May 17, 1999 from Dr. Mellard of ATSDR describes procedures ATSDR follows to protect confidential records from disclosure. The letter describes specific measures that are to be used to safeguard confidential information provided by EPA. Under these conditions, EPA transferred the requested confidential biomonitoring information to ATSDR. It was my understanding that ATSDR's procedures apply to any information transferred by EPA which is identified as confidential.

As you know, EPA considers the results of sampling linked to an identifier such as the property address to be confidential information. In February, 2000, EPA published a database which summarized all soil sampling results from the VB/I70 Remedial Investigation (RI) of Operable Unit1 (OU 1). The database did not contain any property addresses. ATSDR requested that EPA provide a database with property addresses for their use in completing a Public Health Assessment for the Site. Although I understood the provisions described in Dr. Mellard's



May 17, 1999 letter to apply to such a database, I nevertheless insisted on assurances that ATSDR would keep the requested database confidential. On March 7, 2000, I received the enclosed electronic mail message from Dr. Mellard (enclosure 2) assuring me that he understood the data was confidential and would be handled appropriately. I shortly thereafter transferred the database with addresses to Dr. Mellard on a CD with a label clearly identifying it as confidential information. On November 2, 2000, I transferred the complete OU 1 RI database with property addresses to ATSDR with a label marked confidential information.

I am currently in the process of investigating whether ATSDR has disclosed any of the confidential database information to any other party. As you have advised, I will request that they identify all persons to whom they have given the information and that they retrieve the information from these persons.